HOUSE RESEARCH ORGANIZATION • TEXAS HOUSE OF REPRESENTATIVES
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HOUSE RESEARCH ORGANIZATION

daily floor report

Monday, April 01, 2019
86th Legislature, Number 36
The House convenes at 10 a.m.

Nineteen bills are on the daily calendar for second reading consideration today. The table of contents appears on the following page.

Dwayne Bohac
Chairman
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HOUSE RESEARCH ORGANIZATION

Daily Floor Report
Monday, April 01, 2019
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SUBJECT: Requiring HHSC to provide immunization information to EMS personnel

COMMITTEE: Public Health — favorable, without amendment

VOTE: 9 ayes — S. Thompson, Wray, Coleman, Frank, Guerra, Lucio, Price, Sheffield, Zedler

0 nays

2 absent — Allison, Ortega

WITNESSES: For — Ray Callas, Texas Medical Association, Texas Public Health Coalition; (*Registered, but did not testify*: Bill Kelly, Jamaal Smith, City of Houston Mayor's Office; Aimee Bertrand, Harris County Commissioners Court; Christine Yanas, Methodist Healthcare Ministries of South Texas, Inc.; Sara Gonzalez, Texas Hospital Association; Andrew Cates, Texas Nurses Association; Rekha Lakshmanan, The Immunization Partnership)

Against — None

On — (*Registered, but did not testify*: Imelda Garcia and Stephen Pahl, Department of State Health Services)

BACKGROUND: The Department of State Health Services (DSHS) maintains the Texas immunization registry, also known as ImmTrac2. Health and Safety Code sec. 161.00706 allows emergency medical services personnel, including hospital emergency facility staff, to store their medically verified immunization information in the registry.

DIGEST: HB 1418 would require the Health and Human Services Commission (HHSC) to provide immunization information to applicants for certification or recertification as emergency medical services personnel.

The commission would be required to provide an applicant with written notice of the applicant's immunization history if that information was in the state's immunization registry. If the applicant's information was not in

the registry, HHSC would be required to provide the applicant with details about the registry as well as the specific risks to emergency medical services personnel when responding rapidly to an emergency of exposure to and infection by a potentially serious disease that could be prevented by an immunization.

The executive commissioner of HHSC would be required to adopt by rule a system for providing this information. Rules necessary for the implementation of the system would be required to be adopted as soon as practicable after the effective date of the bill.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY:

HB 1418 would protect first responders by ensuring that emergency medical personnel had up-to-date information on their immunization status. This would be particularly beneficial during disasters, when first responders could be exposed to communicable but preventable diseases.

During Hurricane Harvey, many first responders were not aware of their immunization status, which put them, their families, and their communities at risk of exposure to serious communicable diseases. By making immunization information and reminders readily available to emergency medical personnel during the certification process, HB 1418 would help protect the health and safety of medical personnel and other first responders.

First responders are already able to store their immunization information in the state's secure and confidential registry. HB 1418 would ensure that information already stored in the registry was provided to applicants for certification or recertification as emergency medical personnel. If an applicant's information was not already in the registry, the bill simply would provide information to EMS personnel about the risk of exposure to communicable diseases.

OPPONENTS SAY:

No concerns identified.

SUBJECT: Making false caller ID display a crime in certain instances

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Collier, Zedler, K. Bell, J. González, Hunter, P. King, Moody, Murr, Pacheco

0 nays

WITNESSES: For — None

Against — None

On — Shannon Edmonds, Texas District and County Attorneys Association

DIGEST: CSHB 101 would make it a crime for a person to make a call that resulted in the display of data on another person's telecommunications device that misrepresented the caller's identity or telephone number if the call was made with intent to defraud, harass, or cause harm. An offense would be a class A misdemeanor (up to one year in jail and/or a maximum fine of $4,000).

It would be a defense to prosecution if the caller:

- blocked caller identification information;
- was a peace officer, federal law enforcement officer, or employee of a federal intelligence or security agency discharging an official duty; or
- was a private investigator conducting an investigation.

It also would be a defense to prosecution if the caller was an employee of a telecommunications provider who was:

- acting in the provider's capacity as an intermediary for the transmission of telephone service, Voice over Internet Protocol, or other transmission between the caller and recipient;

- providing or configuring a service as requested by a customer;
- acting in a manner that was authorized by law; or
- acting as necessary to provide service.

A conviction for an offense under this bill could not be used for enhancement purposes for other telecommunications crimes under Penal Code ch. 33A.

The bill would take effect September 1, 2019.

SUPPORTERS SAY:

CSHB 101 would help reduce the likelihood of fraud and harassment caused by telephone scammers by making caller ID spoofing a crime in certain instances. It would protect legitimate uses of these practices by applying the offense only if the caller had the intent to defraud, harass, or cause harm and by providing for certain defenses to prosecution.

Caller ID spoofing is often used by scammers trying to encourage call recipients to divulge sensitive or confidential information, including personal and banking data. Callers use technology to misrepresent their phone numbers and identities, making it appear that a call is coming from a number or business that is not theirs. More than just a nuisance, these calls can cost people money if information obtained this way is used to commit fraud. This practice leaves Texans, especially senior citizens, vulnerable to an invasion of privacy and theft of information without those responsible being punished.

The bill would give prosecutors flexibility by adding this offense to a body of criminal law that could be used to punish telephone scammers. While there is a federal law against spoofing, cases are rarely prosecuted. In place of federal action, Texas should do what it can to protect its citizens. These scammers currently can be held responsible under other state law if it is proven that deceptive practices were used to steal information or to commit fraud, but the use of false caller IDS is not a stand-alone offense. The addition of this offense would allow prosecutors to enhance penalties when appropriate and hold scammers accountable even when they were unsuccessful. The penalty under the bill would be in line with similar offenses in Texas law, including other telephone-related offenses.

OPPONENTS SAY:

CSHB 101 would not adequately address the serious problem of caller ID spoofing by scammers due to challenges in enforcing the proposed offense. The technology used for this practice inherently makes it difficult to track a call's origins, and the use of Voice over Internet Protocol (VoIP) technology by many scammers compounds the issue. Calls placed over VoIP can be routed through numerous different networks before reaching the consumer, which increases the time it takes authorities to track the caller down, if they can at all. Further, scammers often are not located in Texas or even the United States.

OTHER OPPONENTS SAY:

The criminal penalty proposed by CSHB 101 would be too harsh for the nature of the offense. Instead, a first-time offense under the bill should be a class B misdemeanor (up to 180 days in jail and/or a maximum fine of $2,000), with a repeat offense charged as a class A misdemeanor.

SUBJECT: Preserving ballot order in runoff and tie-resolving elections

COMMITTEE: Elections — favorable, without amendment

VOTE: 9 ayes — Klick, Cortez, Bucy, Burrows, Cain, Fierro, Israel, Middleton, Swanson

0 nays

WITNESSES: For —Alan Vera, Harris County Republican Party Ballot Security Committee; Ed Johnson; (*Registered, but did not testify*: Cary Roberts, County and District Clerks' Association of Texas; Cinde Weatherby, League of Women Voters of Texas; Chris Davis, Texas Association of Elections Administrators; Windy Johnson, Texas Conference of Urban Counties; Glen Maxey, Texas Democratic Party; Deece Eckstein, Travis County Commissioners Court)

Against — None

On — Christina Adkins, Texas Secretary of State-Elections Division

BACKGROUND: Election Code sec 52.094 requires that the order of names on a ballot for a nonpartisan general or special election be listed on the ballot in an order determined by a drawing.

DIGEST: HB 88 would require the order of candidates' names on ballots used in runoff elections or elections held to resolve a tie be determined not by a drawing but by the relative order of names on the original ballot.

This bill would take effect September 1, 2019.

SUPPORTERS SAY: HB 88 would eliminate inefficiencies in the preparation of ballots for runoff elections and elections held to resolve a tie, reducing the time between the original and subsequent elections and saving money for elections administrators.

Current law requires election officials to hold a drawing to determine the

order of names on the ballot for certain elections. If a runoff election or an election to resolve a tie is required, the order of the names on the new ballot is determined by a second drawing. The later drawing cannot be conducted until the results of the original election are certified by election officials.

These requirements create a significant delay in the production of ballots, which causes the second election to take place later than it otherwise would, and the need for ballots to be generated quickly creates higher production costs in the form of overtime and expediting fees for printers or programmers. HB 88 would streamline the election process and save counties time and money.

This problem used to occur in party primaries until HB 1735 was enacted in 2017, which required the order of names on the ballot to remain the same from the first to the second election. This bill would implement the same solution in applicable runoff elections and elections held to resolve a tie.

OPPONENTS SAY:

No concerns identified.

SUBJECT: Allowing Houston to create a spaceport development corporation

COMMITTEE: International Relations and Economic Development — favorable, without amendment

VOTE: 9 ayes — Anchia, Frullo, Blanco, Cain, Larson, Metcalf, Perez, Raney, Romero

0 nays

WITNESSES: For — Bob Mitchell, Bay Area Houston Economic Partnership; Mario Diaz, City of Houston; (*Registered, but did not testify*: Bill Kelly, City of Houston Mayor's Office)

Against — None

BACKGROUND: Local Government Code sec. 507.003 allows a county to create a spaceport development corporation. A municipality is eligible to create one only in combination with one or more counties.

DIGEST: HB 303 would allow a municipality with a population of 2 million or more (Houston) to authorize creation of a spaceport development corporation. The city's governing body would appoint the directors of the corporation.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY: HB 303 would allow large cities to operate a spaceport independently of a county, which would expedite the expansion of commercial space activities at the Houston Airport System.

Municipalities that have the resources and infrastructure to pursue spaceport development should not be required to partner with a county.

The bill would build on synergies around NASA's presence in Houston,

spur the creation of jobs and investment, and help make Texas an attractive market for astronaut training, spacecraft manufacturing, launching of micro-satellites, and other commercial space activities.

Under HB 303, a Houston spaceport would benefit from the statutory authorities of spaceport development corporations, including eligibility to draw funds from the state's Spaceport Trust Fund and the authority to issue bonds and offer higher education courses and degree programs.

Because municipalities already have the right of eminent domain and bonding authority, the bill would not expand the powers of a city but allow existing municipal rights to be exercised through a spaceport corporation.

OPPONENTS SAY:

By making it easier for a large municipality to form a spaceport development corporation, HB 303 could increase the role of government in picking winners and losers in the marketplace. Spaceport development corporations allow for preferential tax treatment to attract a particular industry to a particular location, and their statutory powers of eminent domain and bond issuance could result in more government interference in the marketplace.

SUBJECT: Requiring certain considerations when scheduling probation meetings

COMMITTEE: Corrections — committee substitute recommended

VOTE: 6 ayes — White, Allen, Bowers, Dean, Sherman, Stephenson

0 nays

2 absent — Bailes, Neave

WITNESSES: For — Lauren Johnson, ACLU of Texas; David Johnson, Grassroots Leadership; Amelia Casas, Texas Criminal Justice Coalition; (*Registered, but did not testify*: Mandy Blott, Austin Justice Coalition; Traci Berry, Goodwill Central Texas; Darwin Hamilton, Grassroots Leadership; Kathleen Mitchell, Just Liberty; Greg Hansch, National Alliance on Mental Illness (NAMI) Texas; Eric Kunish, National Alliance on Mental Illness, Austin Affiliate; Lori Henning, Texas Association of Goodwills; Emily Gerrick, Texas Fair Defense Project; Lauren Oertel, Texas Inmate Families Association; Amy Kamp)

Against — None

On — Carey Green, Texas Department of Criminal Justice; Roxane Marek and Chris Thomas, Texas Probation Association

DIGEST: CSHB 374 would require local community supervision and corrections departments to adopt a policy that probation officers consider probationers' work, treatment, and community service schedules when planning required meetings and visits. Probation departments could allow probationers to report to their probation officers through videoconferencing if an in-person meeting or visit were unnecessary.

The bill would take effect September 1, 2019, and probation departments would have to adopt the required policy by January 1, 2020.

SUPPORTERS SAY: CSHB 374 would remove a potential barrier for individuals on probation and help ensure more probationers were successful. Local probation

departments should do all they can to help probationers succeed because probation furthers rehabilitation. Probationers who do not succeed could be incarcerated, resulting in higher recidivism rates and costs.

Each of the state's community probation departments currently develops its own policy, if any, about scheduling meetings between probation officers and probationers. In some cases, meeting times can conflict with a probationer's job, school, or community service. Because missing a meeting could lead to the revocation of probation, probationers may have a difficult decision to make if an employer objects to the probationer missing work or if missing school or community service presents problems. However, losing a job, missing treatment, or failing to get an education also could lead to revocation. Probation revocations can result in incarceration, job loss, family strain, and disrupted education and substance abuse or mental health treatment.

CSHB 374 would not burden local departments or reduce their ability to create policies that best meet their circumstances. Departments already work to accommodate probationers' schedules and many have policies similar to what the bill requires. The Texas Department of Criminal Justice has successfully implemented a similar policy for scheduling parole meetings, proving that these types of policies are workable. The bill would expand departments' flexibility by allowing videoconferencing as another way for officers and probationers to meet.

A statewide law is needed to ensure all departments have a policy. CSHB 374 would be a less cumbersome approach than having the Texas Board of Criminal Justice adopt a rule that would have to go through multiple steps to be adopted, and it would give TDCJ legislative guidance.

Because the bill would make it less likely that a probationer would be asked to leave work to meet with a probation officer, CSHB 327 could encourage employers to hire ex-offenders. This would help reduce recidivism and help probationers to be more successful.

OPPONENTS SAY:

CSHB 327 would require probation departments to adopt a policy for scheduling meetings between probationers and probation officers. An agency rule, rather than a law, might provide more flexibility for future changes to the policy's requirements.

SUBJECT: Requiring approval to spend certain bond proceeds

COMMITTEE: Pensions, Investments and Financial Services — committee substitute recommended

VOTE: 8 ayes — Murphy, Capriglione, Flynn, Gervin-Hawkins, Gutierrez, Lambert, Stephenson, Wu

0 nays

3 absent — Vo, Leach, Longoria

WITNESSES: For — Trey Lary, Allen Boone Humphries Robinson LLP; James Quintero, Texas Public Policy Foundation; (*Registered, but did not testify*: Annie Spilman, National Federation of Independent Business; Howard Cohen, Schwartz, Page & Harding LLP; Daniel Gonzalez and Julia Parenteau, Texas Realtors; Joe Palmer)

Against — (*Registered, but did not testify*: David Anderson, Arlington ISD Board of Trustees; Alexis Tatum, Travis County Commissioners Court)

On — Brian Woods, Texas Association of School Administrators, Texas Association of School Boards, Texas School Alliance, Fast Growth Coalition; (*Registered, but did not testify*: Adam Haynes, Conference of Urban Counties; Aimee Bertrand, Harris County Commissioners Court; James Hernandez)

BACKGROUND: Election Code sec. 4.003(f) lists the required time and manner in which a political subdivision's order for an election to authorize the issuing of debt must be posted.

DIGEST: CSHB 440 would require political subdivisions to obtain certain kinds of approval before spending bond proceeds on purposes that were not specified in the original bond authorization.

Allowable spending of bond proceeds. CSHB 440 would require

political subdivisions to use the unspent proceeds of general obligation bonds only for the specific purposes for which the bonds were authorized or for retiring the bonds. It would create separate exceptions to this requirement for school districts and political subdivisions other than school districts.

A political subdivision that is not a school district could use these unspent proceeds for a new purpose only if the authorized purposes were accomplished or abandoned and a majority of the votes cast in an election in the political subdivision were in favor of using the proceeds for the new purpose. The political subdivision would have to hold an election approving the new purpose in the same manner as an election to issue bonds in the subdivision. The bill would require a sample ballot to be posted on the political subdivision's website during the 21 days before the election.

A school district could use these unspent proceeds for a new purpose only if the authorized purposes were accomplished or abandoned and the school district’s board of trustees approved in separate votes at a public meeting the use of the proceeds for a purpose other than retiring the bonds and the specified new use of the funds. Notice of the meeting would have to include a statement that the board of trustees would be considering the use of unspent bond money for a purpose other than the specific purpose for which the bonds were authorized. Any such public meeting would have to allow the public to address the board on this specific issue.

Bond maturity versus useful life of asset. The bill would prohibit political subdivisions from issuing general obligation bonds to finance an improvement to real property or to purchase personal property if the weighted average maturity of the issue of bonds used to finance these expenditures exceeded 120 percent of the reasonably expected weighted average economic life of the improvement or personal property.

The bill would take effect on September 1, 2019, and would apply only to general obligation bonds authorized to be issued at an election held on or after that date.

SUPPORTERS

CSHB 440 would ensure that cities, counties, and special districts were

SAY: responsible in borrowing money and that they were accountable to taxpayers in spending borrowed funds.

In authorizing a bond, voters are granting the authority to borrow money to fund a specific set of projects or purchases. Should any of the borrowed funds remain after paying for these items, the governmental entity has a responsibility to obtain a public endorsement before spending them on new initiatives. This bill would provide a mechanism to ensure this approval.

Borrowing to pay for personal property the useful life of which will end years or decades before that money is paid off is a poor investment of taxpayer dollars. The bill's prohibition on bonds that exceed 120 percent of the expected economic life of the property will prevent such poor investments from taking place.

OPPONENTS SAY: CSHB 440 could tie the hands of cities, counties, and special districts, prohibiting their leaders from pursuing the most efficient and timely use of available funds.

Voters who approve bonds are authorizing a governmental entity to execute a set of projects or purchases. Should funds remain after those goals have been achieved, taking on extra projects or purchases provides voters with added benefits without any additional borrowing. Delays resulting from holding another election combined with the unpredictability of financial markets could lead to extra costs due to interest rates and construction expenses. CSHB 440 could impose more costs on political subdivisions and, ultimately, taxpayers themselves.

SUBJECT: Earning academic credit for American Sign Language in elementary school

COMMITTEE: Public Education — favorable, without amendment

VOTE: 12 ayes — Huberty, Bernal, Allen, Allison, Ashby, K. Bell, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

1 absent — Dutton

WITNESSES: For — Claudia Barthulu, Comal ISD; (*Registered, but did not testify*: Chris Masey, Coalition of Texans With Disabilities; Steven Aleman, Disability Rights Texas; Angela Smith, Fredericksburg Tea Party; Ted Raab, Texas American Federation of Teachers (Texas AFT); Lisa Dawn-Fisher, Texas State Teachers Association; Michael Belsick; Richard Bohnert; Matt Long; Joseph Murphy)

Against — None

On — (*Registered, but did not testify*: Monica Martinez, Texas Education Agency)

BACKGROUND: Education Code sec. 28.025(b-5) requires high school students to complete two credits in a language other than English in order to graduate. Section 28.025(b-21) allows a student to earn one credit in a language other than English by successfully completing a dual language immersion program at an elementary school.

DIGEST: HB 678 would allow a student to earn one foreign language credit toward high school graduation requirements by completing a course in American Sign Language at an elementary school.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY:

HB 678 would allow students to earn high school credit for American Sign Language (ASL) courses taught in elementary school. This could encourage more elementary schools to offer the courses and more students to take them. Other elementary school language programs already count toward high school credit, and the same credit should be offered for ASL courses.

The bill would encourage elementary students to take ASL earlier in their childhood, when language acquisition is easiest and most beneficial. Speaking two or more languages as a child has been shown to improve a child's concentration, memory, and other cognitive and multitasking skills. Studying ASL at a young age also increases students' retention of the language.

Some elementary schools already offer ASL courses, and HB 678 would give students high school credit for these courses. Allowing students to earn language credits earlier also would give them the opportunity to study other, more challenging elective subjects when they reach high school.

OPPONENTS SAY:

No concerns identified.

SUBJECT: Executing warrants issued for parolees under super-intensive supervision

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 9 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Israel, Lang, Tinderholt

0 nays

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Lela Smith, Texas Department of Criminal Justice)

BACKGROUND: Government Code sec. 508.317 requires the Texas Department of Criminal Justice to establish a program to provide super-intensive supervision to inmates released on parole or mandatory supervision and determined by parole panels to require such supervision. The program must provide the highest level of supervision.

DIGEST: HB 785 would require a law enforcement agency to execute, as soon as practicable, an arrest warrant that was issued for the return of a releasee in the super-intensive supervision program (SISP) based on a violation of a condition of parole or mandatory supervision related to the electronic monitoring of the releasee.

The bill would take effect September 1, 2019, and would apply only to an arrest warrant issued on or after that date.

SUPPORTERS SAY: HB 785 would improve public safety by ensuring that arrest warrants issued for SISP violators were prioritized and served as soon as possible. Offenders on SISP are subject to the highest level of supervision and required to be electronically monitored as they pose a risk to the public given the violent nature of their crimes, which include murder, sexual assault, and kidnapping. Prioritizing arrest warrants for parolees on SISP

who violated electronic monitoring requirements would help ease victims' minds and protect the public. Further, by calling for greater urgency in serving these warrants, the bill could improve the effectiveness of SISP by potentially deterring parolees from attempting to escape.

The bill would not place a burden on police departments. By requiring law enforcement agencies to execute these arrest warrants as soon as practicable, the bill would allow these agencies to balance the execution of these warrants with other cases.

OPPONENTS SAY:

No concerns identified.

SUBJECT: Establishing an interregional water planning council

COMMITTEE: Natural Resources — favorable, without amendment

VOTE: 11 ayes — Larson, Metcalf, Dominguez, Farrar, Harris, T. King, Lang, Nevárez, Oliverson, Price, Ramos

0 nays

WITNESSES: For — (*Registered, but did not testify*: Charles Flatten, Hill Country Alliance; Erica Mulder, Irving-Las Colinas Chamber of Commerce; Diann Andy, League of Women Voters of Texas; Cyrus Reed, Lone Star Chapter Sierra Club; Tom Oney, Lower Colorado River Authority (LCRA); Shauna Fitzsimmons Sledge, Prairielands & Upper Trinity Groundwater Conservation Districts; Adrian Shelley, Public Citizen; Brian Sledge, San Antonio River Authority; Clay Pope, San Jose Water Group & Canyon Lake Water Service Company; Justin Yancy, Texas Business Leadership Council; Heather Harward, Texas Water Supply Partners; Alexis Tatum, Travis County Commissioners Court).

Against — None

On — (*Registered, but did not testify*: Clifford Sparks, City of Dallas; Matt Nelson, Texas Water Development Board)

BACKGROUND: Water Code sec. 16.053 requires each of the state's regional water planning groups to prepare a regional water plan at least every five years. These water plans must provide for the orderly development, management, and conservation of water resources as well as for the preparation for and response to drought conditions in order that sufficient water will be available for the region.

DIGEST: HB 807 would create an interregional planning council made up of representatives from the state's regional water planning groups. The bill also would expand the requirements for information that planning groups would be required to provide in their regional water plans. These requirements would include an assessment of the potential for aquifer

storage and recovery projects to meet significant needs where identified, along with other information.

Interregional planning council. The bill would require the Texas Water Development Board (TWDB) to appoint an interregional planning council at an appropriate time during each five-year state water plan adoption cycle. The council would include one member of each regional water planning group, and planning groups would nominate members for appointment by the board. The council would serve until a new state water plan was adopted.

The purposes of the council would include improving coordination among regional water planning groups and between planning groups and TWDB. Purposes also would include facilitating dialogue on water management strategies that could affect multiple planning areas and sharing best practices for the water planning process. The council would be required to hold at least one public meeting and prepare a report to the board on the council's work.

Regional water plan. The bill would expand the requirements for information to be included in regional water plans.

If a planning area had significant identified water needs, the regional water planning group would have to include in its water plan a specific assessment of the potential for aquifer storage and recovery projects to meet those needs.

The plan would have to set one or more specific goals for gallons of water use per capita per day by decade for municipal water user groups in the planning area for the time period covered by the plan.

It also would have to assess the progress of the planning area in encouraging cooperation between water user groups and incentivizing strategies that benefited the entire region.

Regional water planning groups would have to identify unnecessary or counterproductive variations in specific drought response strategies among user groups in their water planning areas.

The bill would advise regional water planning groups to include in their regional water plans legislative recommendations to improve the water planning process.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY:

HB 807 would lead to better statewide water planning by creating an interregional planning council of representatives from every regional water planning group. Council interactions would foster statewide cooperation among water planning groups, the sharing of best practices, and coordination on interregional planning and projects.

Regions currently only liaise with adjacent regional water planning groups, which is insufficient for providing a broad view of the state's water needs. Regions also have clashed over water planning in the past, resulting in costly litigation and delays in the development of needed projects. The interregional planning council would help provide a high-level view of the state's water needs and facilitate cooperation on large-scale strategies and projects.

The bill also would expand the scope of information considered by regional water planning groups and included in regional water plans. Requiring planning groups to report examples of counterproductive drought response strategies could encourage regions that use the same water source to employ more effective strategies.

The bill would also require water plans in regions with significant water needs to consider new technologies, such as aquifer storage and recovery projects. This could speed up the planning process for adopting innovative water management approaches. The Texas Water Development Board could determine whether a region had significant water needs that warranted an evaluation of aquifer storage and recovery.

The bill's requirement that regional water planning groups set gallons-per-capita-per-day goals for themselves could foster regional competition,

incentivizing conservation projects.

OPPONENTS SAY:

HB 807 would create a redundant process with existing interregional cooperation measures already allowed. The Texas Administrative Code requires each regional water planning group to appoint a non-voting liaison to each adjacent planning group.

The bill may not provide enough specificity to guide regional planning groups. It is unclear what concern would be significant enough to require an aquifer storage and recovery study, what methods would be used to assess whether a drought response was counterproductive, or how to assess whether progress was made on intraregional cooperation. If the bill requires additional information in regional water plans, more funding should be made available to regional water planning groups.

SUBJECT: Establishing the University of Houston College of Medicine

COMMITTEE: Higher Education — favorable, without amendment

VOTE: 11 ayes — C. Turner, Stucky, Button, Frullo, Howard, E. Johnson, Pacheco, Schaefer, Smithee, Walle, Wilson

0 nays

WITNESSES: For — Lindsay Lanagan, Legacy Community Health; (*Registered, but did not testify*: Nancy Walker, Harris Health System; Meghan Weller, HCA Healthcare; Lisa Kaufman, Humana; David Gonzales, Humana Health Plans of Texas; Bill Kelly, City of Houston Mayor's Office; Michelle Romero, Texas Medical Association)

Against — None

On — Rex Peebles, Texas Higher Education Coordinating Board; Stephen Spann, University of Houston

DIGEST: HB 826 would establish the University of Houston College of Medicine (UHCM) as a college of the University of Houston under the management and control of the board of regents of the University of Houston System.

The bill would allow the dean of the college, on behalf of the board, to execute and carry out an affiliation or coordinating agreement with any other entity or institution in the college's region. The board would be authorized to:

- prescribe courses leading to customary degrees;
- adopt rules for the operation, control, and management of the college as necessary;
- solicit, accept, and administer gifts and grants from any public or private source for the benefit of the college;
- enter into agreements under which a public or private entity could provide additional facilities to be used in the college's teaching and research programs, including libraries, auditoriums, research

facilities, and medical education buildings.

HB 826 would authorize a public or private entity to provide UHCM with a teaching hospital considered suitable by the board of regents. The hospital could not be constructed, maintained, or operated with state funds.

The bill would classify UHCM as a medical and dental unit and would include the school in the following lists in statute:

- health-related intuitions of higher education that are eligible for appropriations from the permanent health fund;
- university systems and health centers eligible for medical malpractice coverage and a professional liability fund; and
- medical schools that may enter into contracts for medical residency programs.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY:

HB 826 would create a medical school at the University of Houston in the city's Third Ward, benefiting that community and the state. By focusing on primary care, underrepresented populations in the medical profession, and medical residencies, the University of Houston College of Medicine (UHCM) would help Texas better provide care to underserved populations, including those in rural areas.

Texas is facing a primary care physician shortage. HB 826 would address this shortage by emphasizing primary care, with a goal of 50 percent of students becoming primary care physicians upon graduation.

UHCM has plans to place medical students in primary care residencies throughout the school's surrounding area, enabling a greater number Texans to practice medicine in their home state and addressing any concerns about the medical school having sufficient residency slots to allow students to stay and practice in Texas.

HB 826 would create thousands of jobs, benefit local communities both economically and in terms of public health, and help Texas close a widening gap in the number of primary care physicians it needs.

OPPONENTS SAY:

No concerns identified.

NOTES:

According to the Legislative Budget Board, the institution reports that UHCM's start-up and development timing is contingent upon the $20 million of funding in CSHB 1 being appropriated to the University of Houston in the 2020-21 biennium.

Based on enrollment assumptions, the school would be eligible for formula funding allocations in the 2024-25 biennium. Total costs out of the general revenue fund for that biennium are estimated to be $6.2 million for each fiscal year, increasing to $21 million for each fiscal year in the 2028-29 biennium.

SUBJECT: Continuing communication between pharmacists and practitioners

COMMITTEE: Public Health — favorable, without amendment

VOTE: 9 ayes — S. Thompson, Wray, Coleman, Frank, Guerra, Lucio, Ortega, Price, Sheffield

0 nays

2 absent — Allison, Zedler

WITNESSES: For — Greg Hoke, Biotechnology Innovation Organization; (*Registered, but did not testify*: Justin Hudman, Amgen; Kwame Walker, Boehringer Ingelheim; Chase Bearden, Coalition of Texans with Disabilities; Lauren Fairbanks, Texas Association of Manufacturers; Tom Kowalski, Texas Healthcare and Bioscience Institute; Dan Finch, Texas Medical Association; Michael Wright, Texas Pharmacy Business Council; Idona Griffith; Michelle Reinhardt; Elisa Saslavsky)

Against — None

On — (*Registered, but did not testify*: Rick Fernandez, Walgreens Co.)

BACKGROUND: Occupations Code sec. 562.0051 governs the required communication between a pharmacist and prescribing practitioner after certain biological products are dispensed by pharmacists to patients. The dispensing pharmacist or the pharmacist's designee is required to communicate to the prescribing practitioner information about the provided product no later than the third business day after dispensing it. This section is scheduled to expire September 1, 2019.

DIGEST: HB 1264 would remove the expiration on the requirement for a pharmacist to communicate to a prescribing practitioner within three business days certain information about a biological product dispensed to a patient.

The bill would take immediate effect if finally passed by a two-thirds

record vote of the membership of each house. Otherwise, it would take effect on the 91st day after the last day of the legislative session.

SUPPORTERS SAY:

HB 1264 would ensure physicians continued receiving notifications from pharmacists when a substitution for a biological product was made. Continuing this communication would provide accurate information about a patient's treatment plan to all health professionals involved in the patient's care.

OPPONENTS SAY:

No concerns identified.

SUBJECT: Removing deceased candidates' names from ballots in certain elections

COMMITTEE: Elections — favorable, without amendment

VOTE: 8 ayes — Klick, Cortez, Bucy, Burrows, Cain, Fierro, Israel, Middleton

1 nay — Swanson

WITNESSES: For — Debra Newkirk, City of Midway; (*Registered, but did not testify*: Cary Roberts, County and District Clerks' Association of Texas; Chris Davis, Texas Association of Elections Administrators; Glen Maxey, Texas Democratic Party; Shanna Igo, Texas Municipal League)

Against — None

On — Alan Vera, Harris County Republican Party Ballot Security Committee; Christina Adkins, Texas Secretary of State, Elections Division

BACKGROUND: Election Code sec. 145.096(a)(1) requires a deceased candidate's name to be printed on a ballot if the candidate died on or after the second day before the filing deadline. This requirement applies to elections other than general elections for state and county officers.

DIGEST: HB 1067 would allow election authorities to remove a deceased candidate's name from a ballot in certain elections if the candidate died on or after the second day before the election's filing deadline and before the ballots were prepared. The bill would not apply to general elections for state and county officers.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019. The bill would apply only to elections with filing deadlines on or after the effective date.

SUPPORTERS SAY: HB 1067 would allow local election authorities to remove the name of a deceased candidate from the ballot in an election under certain

circumstances. This could prevent situations in which voters elected a deceased candidate, resulting in the election being declared invalid and forcing local municipalities to use significant resources to appoint a new candidate or hold another election. The bill would promote honest and transparent elections by allowing election authorities to ensure that only viable candidates were on the ballot.

The bill would not require that deceased candidates' names be removed from a ballot, and local authorities could decide what was appropriate in each situation. Authorities could leave the name of a deceased candidate on a ballot, allowing for the appointment of a new candidate or another election.

OPPONENTS SAY:

HB 1067 could lead to undesirable situations in which an unpopular candidate was elected automatically because another candidate died and was removed from the ballot. The bill should extend an election's filing deadline to allow for additional candidates to enter the race after a candidate's name was removed from a ballot.

SUBJECT: Changing deadline for a certain report filed with the comptroller

COMMITTEE: International Relations & Economic Development — favorable, without amendment

VOTE: 7 ayes — Anchia, Frullo, Blanco, Cain, Larson, Raney, Romero

0 nays

2 absent — Metcalf, Perez

WITNESSES: For — (*Registered, but did not testify*: Carlton Schwab, Texas Economic Development Council; J.J. Rocha, Texas Municipal League)

Against — None

On — (*Registered, but did not testify*: Russell Gallahan, Comptroller of Public Accounts)

BACKGROUND: Local Government Code sec. 502.151 requires each type A and type B economic development corporation to submit to the comptroller no later than February 1 of each year a report that includes a statement of the corporation's primary economic development objectives and financial information from the preceding fiscal year.

DIGEST: HB 1588 would change from February 1 to April 1 of each year the deadline for the submission of an annual report to the comptroller from the board of directors of a type A or type B economic development corporation.

This bill would take effect September 1, 2019.

SUPPORTERS SAY: By giving economic development corporations two additional months to submit their annual reports to the comptroller, HB 1588 would allow them additional time to complete the reports and any associated administrative tasks. This would increase compliance with state reporting requirements and make the process more efficient by reducing staff resources of the

Texas Comptroller's office that are spent in notifying and addressing failures to comply.

OPPONENTS SAY:

No concerns identified.

SUBJECT: Allowing physicians to dispense epinephrine injectors to day care centers

COMMITTEE: Public Health — committee substitute recommended

VOTE: 10 ayes — S. Thompson, Allison, Coleman, Frank, Guerra, Lucio, Ortega, Price, Sheffield, Zedler

0 nays

1 absent — Wray

WITNESSES: For — (*Registered, but did not testify*: Alyssa Thomason, Doctors for Change; Fran Rhodes, NE Tarrant Tea Party; Lee Parsley, Texans for Lawsuit Reform; Troy Alexander, Texas Medical Association; Andrew Cates, Texas Nurses Association; Kaitlyn Doerge, Texas Pediatric Society; Shelia Franklin; Amy Hedtke; Norma Hopkins)

Against — None

On — (*Registered, but did not testify*: Manda Hall, Department of State Health Services; Jean Shaw, Health and Human Services Commission)

DIGEST: CSHB 1849 would allow a physician or person who was delegated prescriptive authority by a physician to prescribe epinephrine auto-injectors to a day care center.

An authorized prescriber would provide a standing order for the administration of an epinephrine auto-injector to a person who was believed to be experiencing anaphylaxis. The standing order would not have to be patient-specific and the epinephrine auto-injector could be administered without a previously established physician-patient relationship. The bill also would allow a pharmacist to dispense an auto-injector to a day care center without requiring a user's identifiable information.

Definitions. The bill would define "epinephrine auto-injector" as a disposable medical drug delivery device that contains a premeasured single dose of epinephrine intended to treat "anaphylaxis," a sudden,

severe, and potentially life-threatening allergic reaction.

Training. Day care centers would provide annual training to employees that included:

- recognizing the signs and symptoms of anaphylaxis;
- administering an epinephrine auto-injector;
- recommended dosages for adults and children by age and weight, if applicable, and the dosages available at the center;
- implementing emergency procedures, if necessary, after administering an auto-injector; and
- properly disposing of used or expired auto-injectors.

Each day care center would have to maintain records on the required training.

Report. Within 10 days of administering an epinephrine auto-injector, a day care center would have to issue a report to the center's owner, the physician or other person who prescribed the auto-injector, the Health and Human Services Commission (HHSC), and the Department of State Health Services.

The report would include:

- the age of the person who was administered the epinephrine;
- whether the person who received the epinephrine injection was a child enrolled in the day care center, an employee or volunteer, or a visitor;
- the physical location where the auto-injector was administered;
- the number of doses of epinephrine administered;
- the title of the employee who administered the auto-injector; and
- any other information required by the executive commissioner of HHSC.

Immunity. CSHB 1849 also would provide immunity from civil or criminal liability or disciplinary action for a person who in good faith acted or failed to act under the bill's provisions.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take

effect September 1, 2019.

SUPPORTERS SAY:

CSHB 1849 would expand access to epinephrine auto-injectors by allowing day care centers to stock them, which is already permissible in public and charter schools, universities, and community colleges. Food allergies are the most common medical condition affecting children and are the leading cause of anaphylaxis. Expanding access would allow for the administration of life-saving medication to individuals experiencing anaphylaxis at day care centers.

Anaphylaxis occurs in some people as a reaction to certain triggers, including food allergies or insect stings, which can leave affected individuals unable to breathe, leading to death. The administration of epinephrine can reverse the effects of anaphylaxis, and an epinephrine auto-injector in the hands of a trained individual can save the life of someone in shock who might otherwise die before the arrival of emergency medical services. This bill would give authorized staff and volunteers at day care centers the tools to prevent needless deaths.

OPPONENTS SAY:

No concerns identified.

SUBJECT: Designating June as Neonatal Abstinence Syndrome Awareness Month

COMMITTEE: Public Health — favorable, without amendment

VOTE: 10 ayes — S. Thompson, Allison, Coleman, Frank, Guerra, Lucio, Ortega, Price, Sheffield, Zedler

0 nays

1 absent — Wray

WITNESSES: For — Diana Mitchell, Alpha Home Inc.; Sophia Casias, Lisa Cleveland, Bexar County NAS Collaborative; John Isaac, Texas Medical Association; Suzie Aldous; (*Registered, but did not testify*: Lina Bottomley, Veronica Gibbens, Alpha Home Inc.; Juliana Kerker, American College of Obstetricians and Gynecologists-Texas District; Cynthia Humphrey, Association of Substance Abuse Programs; Alyssa Thomason, Doctors for Change; Christine Yanas, Methodist Healthcare Ministries of South Texas Inc.; Eric Kunish, National Alliance on Mental Illness Austin Affiliate; Alissa Sughrue, National Alliance on Mental Illness (NAMI) Texas; Will Francis, National Association of Social Workers-Texas Chapter; Adriana Kohler, Texans Care for Children; Michelle Romero, Texas Medical Association; Kaitlyn Doerge, Texas Pediatric Society; Jennifer Lucy, TexProtects; Andrew Smith, University Health System; Carl F. Hunter II; Columba Wilson; Jason Howell)

Against — None

On — (*Registered, but did not testify*: Lisa Ramirez, Texas Health and Human Services Commission)

DIGEST: HB 405 would designate June as Neonatal Abstinence Syndrome (NAS) Awareness Month to encourage:

- awareness of the dangers of opioid and substance abuse during pregnancy;
- creation and update of lists of recommended materials to address

NAS available through the Department of State Health Services and the Health and Human Services Commission;

- electronic circulation of and posting on state and local agency websites of recommended treatment and recovery resources;
- availability of resources for new and expectant mothers with substance abuse disorders, including health care services and recovery support services; and
- collaboration between state and federal governmental agencies, hospitals, private health care practices, health insurance providers, Medicaid providers, and mental health agencies to increase awareness.

The bill would take effect September 1, 2019.

SUPPORTERS SAY:

HB 405 would help to increase public knowledge about Neonatal Abstinence Syndrome (NAS), a group of conditions caused when babies withdraw from certain drugs they are exposed to before birth. Rates of NAS in Texas increased by more than half from 2010 to 2015. By encouraging dissemination of information on the risks of opioid use during pregnancy and improved access to recovery care resources, this bill would increase awareness of NAS and decrease the stigma that prevents mothers from seeking help.

OPPONENTS SAY:

No concerns identified.

SUBJECT: Revising the process to remove appraisal review board members

COMMITTEE: Ways and Means — favorable, without amendment

VOTE: 10 ayes — Burrows, Guillen, Bohac, Cole, Martinez Fischer, Murphy, Noble, Sanford, Shaheen, Wray

0 nays

1 absent — E. Rodriguez

WITNESSES: For — Paul Pennington, Citizens for Appraisal Reform; (*Registered, but did not testify*: James Harris, Citizens for Appraisal Reform; Michael Henry and Matt Grabner, Ryan, LLC; Ray Head, Texas Association of Property Tax Professionals; Daniel Gonzalez and Julia Parenteau, Texas Realtors; David Kaplan; James Popp)

Against — (*Registered, but did not testify*: Adam Cahn, Cahnman's Musings; Alexis Tatum, Travis County Commissioners Court)

BACKGROUND: Tax Code sec. 6.41(f) allows an appraisal review board (ARB) member to be removed from the board by a majority vote of the appraisal district board of directors or by the local administrative district judge that appointed the member. Grounds for removal include clear and convincing evidence of repeated bias or misconduct.

Tax Code sec. 6.41(i) makes it an offense for a chief appraiser or employee of an appraisal district, member of an ARB, member of the board of directors, property tax consultant, or agent of a property owner to communicate with the local administrative district judge regarding the appointment of ARB members, with certain communications exempted. This section applies to an appraisal district in a county with a population of 120,000 or more, in which ARB members are appointed by the local administrative district judge.

DIGEST: HB 2179 would remove the requirement that evidence of repeated bias or misconduct be clear and convincing as grounds to remove an appraisal

review board (ARB) member. This change would apply to a proceeding to remove a member that began after the effective date of this bill.

The bill would exempt from the offense under Tax Code sec. 6.41(i) communications between a property tax consultant, property owner, or agent of a property owner and the local administrative district judge on information related to the removal of an ARB member. The exemption would apply to an offense committed before, on, or after the effective date of the bill but not to an offense finally convicted before that date.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY:

HB 2179 would make positive changes to the process for removing appraisal review board (ARB) members who engage in misconduct. While most ARB members are upstanding citizens, it currently is difficult to remove members who misbehave or have conflicts of interest. If taxpayers have a concern regarding an ARB member, their only recourse is to take it to the board of directors of the appraisal district, which lacks impartiality, or to pursue a lawsuit.

The current evidentiary standard to remove an ARB member is too high. These cases often become drawn out and unresolved, so bad actors receive no punishment. The bill would remove the clear and convincing standard for evidence of misconduct, meaning the burden of proof would be lowered to a preponderance of the evidence, the standard for civil proceedings.

HB 2179 also would allow a tax consultant or taxpayer to communicate with a local administrative district judge about the removal of an ARB member in large counties where a district judge had oversight. This would create an avenue other than litigation for taxpayers to pursue when they encountered issues with an ARB member.

The bill would affect only ARB members who misbehaved or had conflicts of interest. The bill would not add new grounds for removal, but would help an ARB identify and remove their bad actors.

OPPONENTS SAY:

HB 2179 would go too far in reducing the burden of proof necessary to remove an ARB member. It also would open up a new line of communication between tax consultants or property owners and the local administrative district judge, which could be taken advantage of by some consultants. These changes could lead to members mistakenly being removed from the appraisal review board with insufficient evidence.

OTHER OPPONENTS SAY:

The bill should be amended to make it clear that a preponderance of the evidence would be needed to remove an ARB member from office.

SUBJECT: Removing height restriction on modular buildings

COMMITTEE: Licensing and Administrative Procedures — favorable, without amendment

VOTE: 10 ayes — T. King, Goldman, Geren, Guillen, Harless, Hernandez, Herrero, K. King, Kuempel, S. Thompson

0 nays

1 absent — Paddie

WITNESSES: For — Stephen Shang, Modular Building Institute; (*Registered, but did not testify*: Duane Galligher, Modular Building Institute; DJ Pendleton, Texas Manufactured Housing Association; Warren Hayes, Z-Modular)

Against — None

On — (*Registered, but did not testify*: Brian Francis and David Gonzales, Texas Department of Licensing and Regulation)

BACKGROUND: Occupations Code ch. 1202 defines industrialized housing and industrialized buildings as structures that are designed to be constructed in one or more modules at a location other than the permanent site and transported to the permanent site to be installed or erected. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems. The height of industrialized housing and industrialized buildings is limited to four stories or 60 feet.

DIGEST: HB 1385 would remove the four-story or 60-foot height restriction on industrialized housing and industrialized buildings.

The bill would take effect September 1, 2019.

SUPPORTERS SAY: HB 1385 would remove the 60-foot or four-story statutory height restriction on industrialized buildings, also known as modular buildings, making them subject to the same standards as those built entirely on site

and bringing state law in line with nationwide industry standards for modular buildings.

HB 1385 would allow more buildings to be constructed modularly, encouraging development in Texas, spurring innovation and industry expansion, and drawing jobs and money to the state.

Most states do not have a height limit on modularly constructed buildings. More advanced building techniques using steel frame construction mean that taller industrialized buildings are structurally sound, and inspections throughout the building process ensure that modular buildings are as safe as, or safer than, buildings constructed on site. Although the building process is different, there is no reason that the statutory restrictions should be different for modular buildings than they are for site-built construction.

The cost savings associated with modular construction can be passed on to residents to create affordable housing, including apartment buildings taller than four stories that could be constructed this way. Building these modules in a factory also results in less waste, less traffic disruption around the permanent site, faster project completion, and safer conditions for construction workers.

Modular buildings can be inspected en masse by the Texas Department of Licensing and Regulation at the factory and then transported to the permanent site for assembly, where they would receive a final inspection by the appropriate authorities. This allows for faster approval while maintaining a rigorous inspection process.

OPPONENTS SAY:

No concerns identified.

SUBJECT: Exempting retail scales for ready-to-eat food from certain regulations

COMMITTEE: International Relations and Economic Development — favorable, without amendment

VOTE: 7 ayes — Anchia, Frullo, Blanco, Cain, Larson, Raney, Romero

0 nays

2 absent — Metcalf, Perez

WITNESSES: For — Skeeter Miller, Texas Restaurant Association; (*Registered, but did not testify*: Annie Spilman, National Federation of Independent Business; Matt Burgin, Texas Food & Fuel Association; Justin Bragiel, Texas Hotel and Lodging Association; Kenneth Besserman and Rebecca Robinson, Texas Restaurant Association; Jim Sheer, Texas Retailers Association)

Against — None

On — Dan Hunter and Philip Wright, Texas Department of Agriculture

BACKGROUND: Agriculture Code sec. 13.1011 requires owners and operators of commercial scales to register their devices annually with the Texas Department of Agriculture (TDA). Registration rules require the original certificate of registration to be displayed prominently on-site in plain sight of the customer.

Agriculture Code sec. 13.101 requires owners and operators of commercial scales to obtain an inspection of their devices by TDA every four years. Under sec. 13.1001, the department has the authority to inspect a scale if it has reason to believe the device is being used for commercial transactions and is not registered. To recover the costs associated with commercial scale regulation, sec. 13.1151 authorizes TDA to charge owners and operators of these devices a fee for registration and inspections.

Tax Code sec. 151.314 exempts certain food and food products from sales

and use taxes. Food or food products are not exempt if they are sold ready for immediate consumption by certain commercial establishments or vehicles as defined in statute.

DIGEST:

HB 2223 would exempt a commercial scale from TDA inspection and registration requirements if the device was used exclusively to weigh food that was:

- sold ready for immediate consumption, regardless of whether the food was consumed on the premises where the food was weighed and sold; and
- not exempted from sales and use taxes.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY:

HB 2223 would reduce excessive regulation by providing clarity about which commercial scales were exempt from inspection and registration requirements. This would allow establishments that sell food ready for immediate consumption by weight to avoid costly, time-consuming compliance efforts and surprise inspections.

Under current law, commercial measuring devices used exclusively to weigh food sold for immediate consumption are exempt from scale registration and inspection requirements. However, under TDA rules, the exemption is interpreted to refer only to devices used to weigh food to be immediately consumed on the premises. A Texas attorney general opinion determined that a court would likely conclude that the rule was invalid to the extent it went beyond what the statute requires. HB 2223 would clarify that the statute exempts scales used to weigh ready-to-eat food from regulation requirements, whether or not the food was consumed on the establishment's premises.

Many restaurants sell food by weight, including barbecue restaurants, salad bars, and frozen yogurt shops. This bill would give owners and operators of these establishments freedom from burdensome regulations and surprise inspections. Many requirements for commercial scales, such

as mandating that registrations be prominently displayed in view of customers, are no longer necessary. Compliance can be costly, such as when it would require a restaurant be remodeled so that scales were more visible. Scales are already inspected by local health inspectors once or twice a year, so additional inspection by TDA is unnecessary. These restaurants are not short-changing customers who buy food by weight, and a restaurant that did would suffer from bad reviews and loss of business. The bill would not apply to certain scales used at grocery stores, where food such as produce, even if it is sold ready to eat, is exempt from sales tax.

OPPONENTS SAY:

HB 2223 would remove a registration and inspection requirement that protects consumers from harmful business practices. The registration and inspection of scales by the TDA ensures that scales are not skewed in a restaurant's favor.

SUBJECT: Allowing schools to stock asthma medicine and administer it to students

COMMITTEE: Public Health — favorable, without amendment

VOTE: 10 ayes — S. Thompson, Allison, Coleman, Frank, Guerra, Lucio, Ortega, Price, Sheffield, Zedler

0 nays

1 absent — Wray

WITNESSES: For — Rebecca Harkleroad, Texas School Nurses Organization; Danielle Beachler; (*Registered, but did not testify*: Gregg Knaupe, American Lung Association; Bill Kelly, City of Houston Mayor's Office; Chris Masey, Coalition of Texans with Disabilities; Alyssa Thomason, Doctors for Change; Christine Yanas, Methodist Healthcare Ministries of South Texas Inc.; Troy Alexander, Texas Medical Association; Kevin Stewart, Texas Nurse Practitioners; Andrew Cates, Texas Nurses Association; Kaitlyn Doerge, Texas Pediatric Society; Darren Grissom, Texas PTA)

Against — None

On — (*Registered, but did not testify*: Manda Hall, Department of State Health Services)

BACKGROUND: Education Code ch. 38 subch. E concerns the maintenance, administration and disposal of epinephrine auto-injectors in schools. It outlines the creation of an advisory committee to review the administration of epinephrine auto-injectors and allows school districts, open-enrollment charter schools, and private schools to adopt policies regarding their use.

DIGEST: HB 2243 would amend Education Code ch. 38 subch. E to include the maintenance, administration, and disposal of asthma medicine.

The bill would allow a school district, open-enrollment charter school, or private school to adopt a policy authorizing a school nurse to maintain and administer asthma medication to students. The policy would have to allow

the school nurse to administer prescription asthma medication to a student only if the student's parent or guardian had provided written notification stating that the student had been diagnosed as having asthma and gave permission for the school to administer the asthma medicine. A school nurse would be allowed to administer asthma medication only on a school campus.

Rules. The bill would require the executive commissioner of the Health and Human Services Commission to consult with the commissioner of education and, as appropriate, the advisory committee, to adopt rules for the maintenance and administration of asthma medicine under a school policy.

These rules would be required to establish the amount of prescription asthma medicine available at each campus and the process for districts or schools to regularly check the inventory of asthma medicine for expiration and replacement. Asthma medicine would have to be stored in a secure and easily accessible location for the school nurse at each campus.

A school policy could not require the school to purchase asthma medicine or require any related expenditure that would have a negative fiscal impact on the district or school. Schools and districts adopting a policy would be required to provide written notice to the parent or guardian of each enrolled student before the implementation of the policy and before the start of each school year.

Prescription of asthma medicine. A physician or authorized prescriber could prescribe asthma medicine in the name of a school or district. The prescriber would be required to provide a standing order to the school allowing the administration of asthma medicine to a person reasonably believed to be experiencing a symptom of asthma whose parent or guardian had provided written notification and permission to the school nurse. The standing order would not be required to be patient-specific and would have to contain:

- the name and signature of the prescriber;
- the name of the school or district to which the order was issued;
- the quantity of asthma medicine to be obtained and maintained

under the order; and

- the order's date of issue.

Liability. A person who in good faith acted or failed to act under the bill's provisions would be immune from civil or criminal liability or disciplinary action resulting from that action or inaction.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS SAY:

HB 2243 would reduce the risk of hospitalization for students suffering asthma symptoms by allowing schools to stock emergency asthma medication. Stocking asthma medication in schools could prevent parents from having to pay large emergency bills and could provide treatment for uninsured and low-income students who may not own an inhaler.

The bill would allow certified school health professionals to address asthma symptoms as quickly as possible. Any delay in administering medicine could increase the risk of hospitalization or injury to a student. Currently, if a student forgets to bring a rescue inhaler to school and suffers asthma symptoms, schools do not have asthma medicine stocked to administer to the student, leading to calls to EMS and trips to the emergency room, which can impose large costs on parents and result in lost classroom time for students. This bill would help students and their parents or guardians avoid expensive and unnecessary emergency asthma treatment by rapidly providing needed medicine to students suffering from asthma.

OPPONENTS SAY:

No concerns identified.